THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No.14982 of 2007

DATED: 13.07.2007

Between:

M.Raghava Venkata Murali

.. Petitioner

And

Government of Andhra Pradesh,
Rep. by its Principal Secretary – Revenue,
Secretariat, Hyderabad,
and others.

.. Respondents

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ORDER:

In this writ petition, the petitioner seeks a Writ of Mandamus declaring the action of the respondents in taking steps for eviction of the petitioner from his lands without passing final orders in an enquiry contemplated under Section 5-A of the Land Acquisition Act, 1894 (for short 'the Act'), dated 09.05.2007, which was issued in pursuance of the notification under Section 4(1) of the L.A.Act published in Krishna District Gazette, as illegal and arbitrary.

In the affidavit filed in support of the writ petition, the petitioner stated that an extent of Ac.0.60 cents covered by Sy.No.86/1B and Ac.0.40 cents covered by Sy.No.86/2 situated at Tavisipudi Village, Machilipatnam Mandal, Krishna District is notified for acquisition for the purpose of providing house sites to the weaker sections. Notification to that effect is issued and the same is published in Krishna District Gazette on 04.05.2007. A reading of the notification indicates that an urgency clause is not invoked, but however, an enquiry is contemplated under Section 5-A of the Act by issuing a notice vide RC.A.527/2007, dated 09.05.2007 calling for objections.

Heard the learned counsel for the petitioner and the learned Government Pleader for Land Acquisition.

Learned counsel for the petitioner submitted that pursuant to the notice issued u/S.5-A of L.A.Act by the respondents, objections were to be filed on or before 25.05.2007, and accordingly, the petitioner submitted his objections on 25.05.2007, which was acknowledged by

the third respondent. Further, he contends that with reference to the said objections submitted by the petitioner, enquiry is not concluded by the respondents even as on today, but however, the respondents are contemplating to take possession of the lands in question by evicting the petitioner from the same.

With reference to the above said submission of the learned counsel for the petitioner, once an urgency clause is not invoked and an enquiry is ordered, it is obligatory on the part of the respondents to complete the enquiry. In the instant case, even the declaration under Section 6 of the Act is not published, and unless the said declaration is published, no steps can be taken to evict the petitioners. As much as it is stated that an enquiry initiated under Section 5-A of the Act is still pending, consideration, and no further steps are taken with regard to publishing of the declaration under Section 6 of the Act, in that view of the matter, I dispose of the writ petition directing the respondents not to evict the petitioner from the lands in question without considering the objections filed by him on 25.05.2007 and until final orders are passed under Section 5-A of the Act. However, subject to the outcome of the enquiry under Section 5-A of the Act, this order will not preclude the respondents to take further steps in accordance with the provisions of the L.A. Act, 1894.

Subject to the above directions, the writ petition is disposed of. No order as to costs.

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(R.SUBHASH REDDY,J)

Dt.13.07.2007

v v